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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,485	09/05/2003	J. Robin Tuttle	TUT01 P-101	8636

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/656,485

Applicant(s)

TUTTLE, J. ROBIN

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9, 16, 18, 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell, U. S. Patent 3,151,649.

3. Mitchell teaches a holder comprising a pocket 20 for holding informational material and an extension 21 extending from the pocket. The extension is made of a flexible material. The top of the extension has a loop 23 with a cylindrical member 22 extending there through for engaging the window of a vehicle.

4. The pocket has a top opening 29

5. Claims 1, 6-9, 13-16, 18, 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Wosje, U. S. Patent 5,622,307.

6. Wosje teaches a holder comprising a pocket 10 for holding informational material and an extension 22 extending from the pocket. The extension is made of a flexible material. The top of the extension has a loop 31 with a cylindrical member 30 extending there through for engaging the window of a vehicle.

7. The pocket has a bottom opening.

8. The holder also has a second pocket 18 above the pocket 10 with a flap 20 adjacent the extension 22.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-4, 6, 19 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Dolenc, U. S. Patent 5,031,808. Dolenc teaches a holder comprising a pocket for holding material and an extension 30 extending from the pocket. The holder is made of a flexible plastic material. The top of the extension has an enclosure with a ridge member 36 extending there through for engaging the window of a vehicle.

11. The pocket has a top opening 26.

12. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the holder taught by Mitchell of a plastic material as taught by Dolenc to provide a more durable holder. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the holder taught by Mitchell and Dolenc of a transparent material to provide a means to see the contents of the holder.

13. Claims 2-4, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wosje in view of Dolenc. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the holder taught by Wosje of a plastic material as taught by Dolenc to provide a more durable holder. It would have

been obvious to one having ordinary skill in the art at the time this invention was made to construct the holder taught by Wosje and Dolenc of a transparent material to provide a means to see the contents of the holder.

14. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wosje in view of Johnson, U. S. Patent 1,606,944.

Johnson teaches a pocket holder for automobile comprising a pocket having a closure 6 for the opening of the pocket. The closure also has snap fastener 9 for securing the closure in the closed position. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the holder taught by Wosje with a fastener on the flap as taught Johnson to provide a means to securing the flap in the closed position.

With respect to claim 12, since the applicant does not state the hook and loop fasteners solves any stated problem or is for any particular purpose, it appears that providing any suitable fastening means as taught by Johnson would perform equally well in securing the flap in a closed position.

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
September 20, 2004